

WHISTLEBLOWER REPORTING & NON-RETALIATION POLICY

Category: Compliance & Legal

Responsible Department: Compliance

Date Effective: 08.06.21

Date of Last Review/Update: 08.04.22

Approved By: EHS, Inc. BOT

Approval Date: 08.04.22

Applicability: Applies to EHS, Inc. and its affiliates (hereinafter referred to as “Evergreen Health” or “Organization”) board members, employees, former employees, independent contractors, interns, and volunteers (hereinafter referred to as “Personnel”)

POLICY SUMMARY

Evergreen Health requires that all Personnel observe high standards of ethical, moral, and legal business conduct. This policy ensures that Personnel who want to make a good faith report of non-compliant or illegal conduct; unethical conduct; fraudulent or dishonest conduct; or a violation of Evergreen Health’s Corporate Compliance Code of Conduct are free to do so without fear of retaliation.

REPORTING RESPONSIBILITY

It is the responsibility of all Personnel to report any violation or suspected violation of a federal, state, or local law and/or any Evergreen Health policy or procedure. This policy is intended to encourage and enable Personnel to raise concerns internally so that Evergreen Health can address and correct inappropriate conduct and actions. Examples of reportable violations include, but are not limited to:

- A criminal offense (e.g., fraudulent billing)
- Someone’s health and safety within the organization is in danger because of non-compliance with OSHA
- The organization is breaking a federal, state or local law, ordinance or executive order, or any judicial or administrative decision, ruling or order.
- You believe someone is covering up wrongdoing within the organization
- Activities that are not in line with Evergreen Health’s policies (e.g., misappropriation or misuse of Evergreen Health resources or assets; forgery or alteration of documents; pursuit of a benefit or advantage in violation of Evergreen Health’s Conflict of Interest policy; authorizing or receiving compensation for hours not worked; unauthorized alteration or manipulation of computer files).

Personnel are responsible only for reporting a possible violation, not for investigating the activity.

REPORTING PROCEDURE

Evergreen Health has an open-door policy and suggests that Personnel first share any concerns or complaints with their supervisor. If Personnel are not comfortable speaking with their supervisor or are not satisfied with their supervisor’s response, they are encouraged to speak with Evergreen Health’s Corporate Compliance Officer.

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Reporting can be done through any of the following ways:

1. **Open Communication with the Compliance Officer.** You may contact the Organization’s Compliance Officer directly in person or by telephone **(716-847-2441 ext. 1851)**. Please note that this is not an anonymous form of communication.
2. **E-mail.** You may also e-mail the Compliance Officer at **wdimmig@evergreenhealthhs.org**. Please note that this is not an anonymous form of communication.
3. **Anonymous Compliance Hotline.** Evergreen Health maintains a 24-hour, anonymous hotline for reporting complaints or asking questions about a compliance issue(s). The number is **(716) 541-0663**. *The hotline is operated by a third-party vendor that sends the Compliance Officer a transcript of the recording so that nobody at Evergreen Health will hear your voice.*
4. **Evergreen Health’s internal ticketing system.** Evergreen Health offers an internal ticketing system that routes electronic messages to the Compliance Department. Please note that this is not an anonymous form of communication.
5. **U.S. Mail.** You may also send a message through the U.S. mail to the Compliance Officer at 206 S. Elmwood Avenue, Buffalo, NY 14201. This may be an anonymous means of communication.

Additionally, the **Health and Human Services-Office of Inspector General (HHS-OIG)** maintains a hotline for reporting allegations of “fraud, waste, abuse, and mismanagement” in healthcare. Common examples of allegations that may be reported include overbilling for services provided, billing for services not provided, billing for services that are not medically necessary, and billing for services provided by staff lacking proper credentials. The HHS-OIG hotline is **1-800-447-8477**.

RETALIATION IS PROHIBITED

Evergreen Health will not tolerate intimidation, harassment, retaliation, discrimination, or any other type of retaliatory action against a Board member, officer, director, employee, former employee, contractor, or volunteer (also known as a “whistleblower”) who:

- makes a good faith report of an Evergreen Health action that violates any federal or state law or regulation, ordinance or executive order, or any judicial or administrative decision, ruling or order, and/or any adopted policy or procedure;
- provides information or assists in an investigation regarding a violation or suspected violation; or
- files, testifies, or participates in a proceeding relating to the violation or suspected violation.

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All such retaliatory actions are strictly prohibited. Federal and state False Claims Acts allows individuals with evidence of fraud to sue on behalf of the government in order to recover fraudulently received funds. In certain circumstances, an individual may be awarded a percentage of the funds recovered.

COMPLIANCE OFFICER RESPONSIBILITY

Evergreen Health’s Compliance Officer is designated to administer this policy and to report on its implementation no fewer than four (4) times per year to the Corporate Compliance Committee and two (2) times per year to the entire Board.

REPORTING RETALIATORY CONDUCT

If a whistleblower believes that he or she has suffered any form of retaliatory conduct as a result of reporting a violation or suspected violation, they may report the retaliatory conduct by any of the means set forth above. The Compliance Officer or an authorized designee will promptly investigate and address all complaints of violations and suspected violations, including retaliatory conduct against a whistleblower. Depending on the nature and circumstances of the violation, the Compliance Officer may refer the complaint to the General Counsel, Corporate Compliance Committee, and/or the entire Board for further discussion and/or investigation.

The person who is the subject of a whistleblower complaint may not be present at or participate in any committee deliberations or vote on the matter relating to such complaint provided, however, that the committee may request that the person who is the subject of the complaint may present information or answer questions at a committee meeting prior to the commencement of deliberations or voting.

If it is found that there has been retaliation against a whistleblower, the wrongdoer(s) will be disciplined consistent with Evergreen Health’s corrective action policy, up to and including termination of employment.

GOOD FAITH REPORTING

Anyone filing a complaint concerning a violation or suspected violation must be acting in good faith and have reasonable grounds for believing the information disclosed indicates a violation. A person who makes an allegation that proves to have been made maliciously or knowingly to be false will be subject to corrective action in accordance with Evergreen Health’s corrective action policy.

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REVIEWED BY BOARD OF TRUSTEES

09.30.20

08.05.21

08.04.22

REVISIONS

DATE	REASON	AREA REVISED	REVISION
09.30.20	Expanded and broke out policy from the Corp Compliance Manual	all	
08.05.21	Revision and simplification of policy content	all	
01.05.22	NYLL § 740 expansion	Applicability	Added: former employees
01.05.22	NYLL § 740 expansion	Reporting Responsibility / Retaliation	Added: ...ordinance or executive order, or any judicial or administrative decision, ruling or order.